

Docket: 03131

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Projected Patent No.

US 7,137,774

Satoshi MIURA et al.

Serial No.: 10/628,330

Projected Issue Date:

November 21, 2006

Allowed: September 14, 2006

Filed: July 29, 2003

Issue Fee Paid: October 6, 2006

Examiner: Christopher Verdier

Art Unit: 3745

Mail Stop 313(c)

For: LOW NOISE IMPELLER PUMPS

PETITION FOR WITHDRAWAL FROM ISSUE UNDER 37 CFR §1.313(c)

U.S. Patent and Trademark Office
Office of Petitions, Mail Stop 313(c)
Madison Building, 7th Floor
600 Dulany Street
Alexandria, VA 22314

HAND CARRIED

Sir:

Applicants hereby request that the above-identified application, the issue fee for which was paid on October 6, 2006, be withdrawn from issue. A copy of the issue notification is appended hereto. The projected patent number and issue date, as indicated in the Issue Notification, are specified above.

This request to withdraw from issue is being filed pursuant to 37 C.F.R. §1.313(c)(2) to allow consideration of the accompanying Request for Continued Examination in

00000005 10628330

130.00 DP

LAW OFFICES
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11/13/2006 CKHLOK

01 FC:1464

compliance with §1.114, and Information Disclosure Statement. The reference cited in the enclosed Information Disclosure Statement, EP 0 909 897 A1, is not of record in application Serial No. 10/628,330. This reference was cited in two official actions in connection with a corresponding German patent application:

1. A first official action from the German Patent Office dated August 10, 2004; and

2. A second official action from the German Patent Office dated August 24, 2006.

Copies of the two German official actions, as well as an English translation of the second official action, are enclosed.

The other references cited in the German official actions DE 103 11 068 A1, EP 0 931 927 A1, and DE 100 24 741 A1, have corresponding U.S. equivalents (US 6,733,230, US 6,224,323, and US 6,336,788, respectively), and were cited as such on Form PTO-892 in application Serial No. 10/628,330.

Accordingly, this petition, as well as the accompanying Request for Continued Examination and Information Disclosure Statement, are being filed so that EP 0 909 897 A1 can be considered by the U.S. Patent and Trademark Office in this application.

The fee set forth in §1.17(h) for the Petition under 37

C.F.R. §1.313(c) is included on the enclosed Credit Card
Payment Form.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Malcolm J. MacDonald", written in a cursive style.

Malcolm J. MacDonald
Registration No. 40250

Date: November 9, 2006

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
FEE TRANSMITTAL For FY 2006		Application Number	10/628,330
		Filing Date	July 29, 2003
		First Named Inventor	Satoshi MIURA
		Examiner Name	Christopher Verdier
		Art Unit	3745
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Attorney Docket No.	03131	
TOTAL AMOUNT OF PAYMENT	(\$)	1100.00	

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METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check	<input checked="" type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify):	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: <u>04-0753</u>
Deposit Account Name: _____	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments
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OFFICE OF PETITIONS

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEES							
Fee Description				Fee (\$)	Small Entity Fee (\$)		
Each claim over 20 (including Reissues)				50	25		
Each independent claim over 3 (including Reissues)				200	100		
Multiple dependent claims				360	180		
Total Claims		Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims		
_____ - 20 or HP = _____		x _____	= _____		Fee (\$)	Fee Paid (\$)	
HP = highest number of total claims paid for, if greater than 20.							
Indep. Claims		Extra Claims	Fee (\$)	Fee Paid (\$)			
_____ - 3 or HP = _____		x _____	= _____				
HP = highest number of independent claims paid for, if greater than 3.							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)			
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____				
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)					Fees Paid (\$)		
Other (e.g., late filing surcharge): <u>Petition to Withdraw from Issue; Request for Continued Examination; IDS</u>					1100.00		

SUBMITTED BY			
Signature	<u>Malcolm J. MacDonald</u>	Registration No. (Attorney/Agent)	40,250
Name (Print/Type)	Malcolm J. MacDonald	Telephone (703) 837-9600 x24	
		Date	November 9, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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